

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID KLEIN,

Plaintiff,

v.

JELLY BELLY CANDY COMPANY,

Defendant.

Civil Action No. 22-cv-11825-AK

**DECLARATION OF
ROBERT SWAIGEN**

I, Robert Swaigen, being of full age, hereby declare as follows:

1. I am the Vice President of Global Marketing at Jelly Belly Candy Company's ("Jelly Belly"). I have held this position since 2014, and prior to that, have held other positions at Jelly Belly beginning in 2003. Based on my personal knowledge and on my review of Jelly Belly's business records which are maintained in the ordinary course of business, I am familiar with the facts set forth in this declaration and can testify to these facts under oath.

2. Jelly Belly is a corporation organized under the laws of California.

3. Jelly Belly's headquarters and principal place of business is located at One Jelly Belly Lane, Fairfield, California 94533.

4. All of Jelly Belly's corporate and management decisions and actions, including decisions and actions involving advertising, media and public relations, and all decisions and actions related to Plaintiff David Klein, were and are made and taken from Jelly Belly's headquarters in California.

5. Jelly Belly employs a small number of sales representatives in states other than California, including one such representative who covers the New England region and works from his home in Massachusetts, but Jelly Belly does not have any offices in Massachusetts and does not conduct any corporate or management activities in Massachusetts, and is not "at home" in

Massachusetts. Jelly Belly's sales in Massachusetts typically account for a small portion (less than 2.5%) of Jelly Belly's total annual sales.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on ~~NOVEMBER~~, 2022, in ~~FARFIELD~~ CALIFORNIA.

/s/ 
Robert Swaigen